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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,927	12/02/1999	DAVID SEAGER RENSHAW	UK999029	1912

7590

06/03/2004

Andrew Calderon
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EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action	Application No. 09/452,927	Applicant(s) RENSHAW, DAVID SEAGER	
	Examiner Chuck Kendall	Art Unit 2122	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

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Art Unit: 2122

Continuation of 5. does NOT place the application in condition for allowance because:

In claims 1 - 4, 7, 18 - 21, 24 & 35 Applicant argues on page 4, of response dated 4/27/2004 that Tabloski doesn't disclose compiling into a software executable and running the executable to generate a data file containing definition files which are interpreted by a third party computer system. Applicant further argues that Prior art (Tabloski) instead runs the executable in another computer. As set forth in previous rejection in Col. [20: 30 - 35], Tabloski does disclose compiling and running the executable.

As can be seen in Talboski Col.20: 30 - 35, Tabloski discloses "... the compiler 34, compiles the executable program, using a runtime library 36. Thereafter, the **executable program 25** can be executed by the parallel computer 25 under control of the run-time system 26...". Here Tabloski provides support for compiling and executing the code. There is no teaching in Applicant's limitations that excludes the use of a parallel system to execute the code after it's been compiled, therefore Applicant is arguing for an unclaimed merit of distinction and hence Applicant's argument is moot.

And although Tabloski doesn't disclose data files being interpreted by a third party computer system, McLain does provide the difference as shown in Col. 8: 26 -29 , where McLain discloses that, " ABC 123 will identify from the source modules every header file, and will retrieve these from either the project library 125 or from the **third party header** and shared library 115 ". Therefore Examiner believes that the limitations as claimed are being taught by both Tabloski and McLain. Regarding Applicant's arguments in claims 5,6, 8 -13,22, 23 and 25 - 30, Applicant simply rehashes arguments which have been previously discussed above.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER

6/1/04

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